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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 6799  
Seishi KATO et al. : Docket No. 2002-0400A  
Serial No. 10/088,859 : Group Art Unit Not Yet Assigned  
Filed May 29, 2002 : Examiner Not Yet Assigned

A METHOD FOR PRODUCING AN  
ANTIBODY BY GENE IMMUNIZATION

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

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**RESPONSE**

Assistant Commissioner for Patents,  
Washington, D.C. 20231

Sir:

Responsive to the Notice dated May 30, 2002, there is submitted herewith, in a separate Preliminary Amendment, a paper copy of a Sequence Listing for the above-identified application which has been prepared in accordance with the sequence rules under 37 CFR 1.821-1.825. The Sequence Listing contains the identical sequences appearing in the original application papers. Thus, no new matter has been added.

There is also submitted herewith a copy of the Sequence Listing in computer readable form as required by 37 CFR 1.821(e). The content of the paper and computer readable copies are the same.

A copy of the Notice is also attached as required.

Applicants note that the Notification of Missing Requirements also indicated that an executed Oath and Declaration of the Inventors needs to be submitted. Applicants wish to note

that an executed Oath and Declaration was submitted on May 29, 2002. A copy of the submitted executed Declaration is attached herewith along with the cover letter (indicating the filing of the executed Declaration). Applicants respectfully request that the Patent Office review the application papers to ensure that the executed Declaration is present in the file.

In view of the foregoing, it is believed that each requirement set forth in the Notice has been satisfied, and that the application is now in compliance with the sequence rules under 37 CFR 1.821-1.825. Accordingly, favorable examination on the merits is respectfully requested.

Respectfully submitted,

Seishi KATO et al.

By: \_\_\_\_\_

Lee Cheng

Registration No. 40,949

Attorney for Applicants

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Facsimile (202) 721-8250  
June 28, 2002

TH6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
 Seishi KATO et al. : Attn: BOX PCT  
 Serial No. 10/088,859 : Docket No. 2002\_0400A  
 Filed March 22, 2002 :

A METHOD FOR PRODUCING AN ANTIBODY  
 BY GENE IMMUNIZATION  
 [Corresponding to PCT/JP01/06371  
 Filed July 24, 2001]

THE COMMISSIONER IS AUTHORIZED  
 TO CHARGE ANY DEFICIENCY IN THE  
 FEE FOR THIS PAPER TO DEPOSIT  
 ACCOUNT NO. 23-0975.

SUBMISSION OF EXECUTED DECLARATION

Assistant Commissioner for Patents,  
 Washington, DC 20231  
 Sir:

Enclosed herewith is an executed Declaration for the above-identified application which was originally filed without an executed Declaration.

The Declaration identifies the application by the Title, name of the inventors, and filing date of the application.

Accordingly, it is submitted that the present application now complies with the requirements of 37 CFR 1.53(d). Enclosed herewith is the \$130.00 surcharge required by 37 CFR 1.16(e).

Early issuance of a filing receipt is therefore requested.

Respectfully submitted,  
 Seishi KATO et al.

By Warren M. Cheek, Jr.  
 Warren M. Cheek, Jr.  
 Registration No. 33,367  
 Attorney for Applicants

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 Washington, D.C. 20006-1021  
 Telephone (202) 721-8200  
 Facsimile (202) 721-8250  
 May 29, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Seishi KATO et al. : Attn: BOX PCT  
Serial No. 10/088,859 : Docket No. 2002\_0400A  
Filed March 22, 2002 :

A METHOD FOR PRODUCING AN ANTIBODY  
BY GENE IMMUNIZATION  
[Corresponding to PCT/JP01/06371  
Filed July 24, 2001]

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FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

**PATENT OFFICE FEE TRANSMITTAL FORM**

Assistant Commissioner for Patents,  
Washington, DC 20231

Sir:

Attached hereto is a check in the amount of \$130.00 cover Patent Office fees relating to filing the following attached papers:

Late filing of executed Declaration ..... \$130.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Seishi KATO et al.

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicants

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Telephone (202) 721-8200  
May 29, 2002

[Check No. \_\_\_\_\_]  
2002\_0400A



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,859	Kato Seishi	2002-0400 A

INTERNATIONAL APPLICATION NO.
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PCT/JP01/06371

000513

WENDEROTH, LIND & PONACK, L.L.P.  
 2033 K STREET N. W.  
 SUITE 800  
 WASHINGTON, DC 20006-1021

I.A. FILING DATE	PRIORITY DATE
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07/24/2001

07/24/2000

CONFIRMATION NO. 6799

371 FORMALITIES LETTER



\*OC00000008190116\*

Date Mailed: 05/30/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration

RECEIVED  
 JUN - 3 2002

WENDEROTH, LIND &amp; PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 20 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,859	PCT/JP01/06371	2002-0400 A